

PROPERTY TAX APPEAL BOARD'S DECISION

APPELLANT: Scott and Amy Richert
DOCKET NO.: 04-02584.001-R-1
PARCEL NO.: 11-13-183-015

The parties of record before the Property Tax Appeal Board are Scott and Amy Richert, the appellants, and the Winnebago County Board of Review.

The subject property consists of a two-story brick and frame dwelling containing 3,038 square feet of living area that is approximately 97 years old. Features include an unfinished basement, central air conditioning, a fireplace and a 648 square foot detached garage.

The appellants submitted evidence before the Property Tax Appeal Board claiming overvaluation as the basis of the appeal. The appellants' evidence disclosed subject property is an owner occupied residence that was the subject matter of an appeal before the Property Tax Appeal Board the prior year under docket number 03-00714.001-R-1. In that appeal the Property Tax Appeal Board rendered a decision lowering the subject's assessment to \$32,000 based on its April 2003 sale price of \$96,000. The record also indicates the appellants further improved the subject dwelling through renovation at a cost of \$24,860 subsequent to the sale. The improvements include a new roof, upgraded electrical system, a new furnace, plumbing work and sanding floors. Based on this evidence, the appellants requested a reduction in the subject's assessment to reflect the Board's prior year's assessment finding of \$32,000.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's final assessment of \$41,170 was disclosed. The subject's assessment reflects an estimated market value of \$123,153 using Winnebago County's 2004 three-year median level of assessments of 33.43%.

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Based on the facts and exhibits presented, the Property Tax Appeal Board hereby finds a reduction in the assessment of the property as established by the Winnebago County Board of Review is warranted. The correct assessed valuation of the property is:

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|--------|----|--------|
| LAND: | \$ | 3,203 |
| IMPR.: | \$ | 37,084 |
| TOTAL: | \$ | 40,287 |

Subject only to the State multiplier as applicable.

In support of the subject's assessment, the board of review submitted sales and assessment comparables to demonstrate the subject property was uniformly assessed reflecting its fair cash value. The board of review further argued that given the subject's \$96,000 sale price and \$24,860 in renovations performed after the sale, no further assessment reduction is warranted.

After reviewing the record and considering the evidence, the Property Tax Appeal Board finds that it has jurisdiction over the parties and the subject matter of this appeal. The Property Tax Appeal Board further finds a slight reduction in the assessment of the subject property is warranted.

Pursuant to section 16-185 of the Property Tax Code (35 ILCS 200/16-185) the Board finds its 2003 decision shall be carried forward to the subsequent year subject to equalization and the added value attributed to the improvements performed in 2003, which should be added to the subject's improvement assessment in 2004.

Section 16-185 of the Property Tax Code (35 ILCS 200/16-185) provides in part:

If the Property Tax Appeal Board renders a decision lowering the assessment of a particular parcel on which a residence occupied by the owner is situated, such reduced assessment, subject to equalization, shall remain in effect for the remainder of the general assessment period as provided in Sections 9-215 through 9-225, unless that parcel is subsequently sold in an arm's length transaction establishing a fair cash value for the parcel that is different from the fair cash value on which the Board's assessment is based, or unless the decision of the Property Tax Appeal Board is reversed or modified upon review.

The record disclosed subject property is an owner occupied residence that was the subject matter of an appeal before the Property Tax Appeal Board the prior year under docket number 03-00714.001-R-1. In that appeal the Property Tax Appeal Board rendered a decision lowering the subject's assessment to \$32,000 based on its April 2003 sale price of \$96,000. The record also disclosed the 2004 assessment year is the same general assessment period as the 2003 assessment year. There is no evidence an equalization factor was applied in the 2004 assessment year. However, the evidence clearly shows the appellants improved the subject dwelling with a new roof, upgraded electrical system, a new furnace, plumbing work and sanding floors subsequent to the sale. The reported value of these improvements was \$24,860. Thus, the improvements result in an increase to the subject's

improvement assessment of \$8,287, which also receive a home improvement exemption.

The Property Tax Appeal Board further finds Sections 9-160 of the Property Tax Code (35 ILCS 200/9-160) provides a remedy for new or added improvements in years other than general assessment years. Section 9-160 provides in part:

[t]he assessor shall list and assess all property which becomes taxable and which is not upon the general assessment, and also make and return a list of new or added buildings, structures, **or other improvements of any kind**, the value of which had not been previously added to or included in the valuation of the property on which such improvements have been made. . . (35 ILCS 200/9-160).

The Property Tax Appeal Board finds this record contains no evidence disclosing the Board's decision for the 2003 assessment year was reversed or modified upon review or that the subject property sold in an arm's length transaction establishing a fair cash value that is different from the fair cash value on which the Board's assessment was based. For these reasons the Property Tax Appeal Board finds that a reduction in the subject's assessment is warranted to reflect the Board's prior year's decision totaling \$32,000; however, the 2004 assessment should be increased by \$8,287 to account for the value of the improvements made in 2003 and added to the assessment as of January 1, 2004.

This is a final administrative decision of the Property Tax Appeal Board which is subject to review in the Circuit Court or Appellate Court under the provisions of the Administrative Review Law (735 ILCS 5/3-101 et seq.) and section 16-195 of the Property Tax Code.



Chairman



Member



Member



Member

Member

DISSENTING: _____

C E R T I F I C A T I O N

As Clerk of the Illinois Property Tax Appeal Board and the keeper of the Records thereof, I do hereby certify that the foregoing is a true, full and complete Final Administrative Decision of the Illinois Property Tax Appeal Board issued this date in the above entitled appeal, now of record in this said office.

Date: January 25, 2008



Clerk of the Property Tax Appeal Board

IMPORTANT NOTICE

Section 16-185 of the Property Tax Code provides in part:

"If the Property Tax Appeal Board renders a decision lowering the assessment of a particular parcel after the deadline for filing complaints with the Board of Review or after adjournment of the session of the Board of Review at which assessments for the

subsequent year are being considered, the taxpayer may, within 30 days after the date of written notice of the Property Tax Appeal Board's decision, appeal the assessment for the subsequent year directly to the Property Tax Appeal Board."

In order to comply with the above provision, YOU MUST FILE A PETITION AND EVIDENCE WITH THE PROPERTY TAX APPEAL BOARD WITHIN 30 DAYS OF THE DATE OF THE ENCLOSED DECISION IN ORDER TO APPEAL THE ASSESSMENT OF THE PROPERTY FOR THE SUBSEQUENT YEAR.

Based upon the issuance of a lowered assessment by the Property Tax Appeal Board, the refund of paid property taxes is the responsibility of your County Treasurer. Please contact that office with any questions you may have regarding the refund of paid property taxes.